

RECEIVED  
CENTRAL FAX CENTER

SEP 19 2006

<b>VIA FACSIMILE</b>		
<b>571 273 8300</b>		
<b>RESPONSE TO RESTRICTION REQUIREMENT</b>  Address to: Commissioner for Patents P.O. Box 1450 Arlington VA 22313-1450	Attorney Docket Confirmation No.	10040012-1 3835
	First Named Inventor	Peter Webb
	Application Number	10/817,115
	Filing Date	April 2, 2004
	Group Art Unit	1631
	Examiner Name	Mary K. Zeman
	Title	METHODS FOR ENCODING NON- BIOLOGICAL INFORMATION ON MICROARRAYS

Dear Sir:

This communication is responsive to the office communication dated August 14, 2006.

In the above referenced office communication, the Examiner imposed a restriction requirement, requiring the election of the claims of either:

Group I, i.e., Claims 1-10 and 26-27;

Group II, i.e., Claims 11-16;

Group III, i.e., Claims 17-19;

Group IV, i.e., Claims 20-22;

Group V, i.e., Claims 23-25; or

Group VI, i.e., Claim 28;

for further prosecution in this application.

The Applicants hereby elect Group I with traverse.

The Applicants also respectfully urge the Examiner to rejoin the claims of Groups II-VI with the elected claims of Group I for examination in this application for the following reasons.

The MPEP allows an Examiner to examine otherwise patentably distinct sets of claims if to so would not impose an undue burden on the Examiner. M.P.E.P. § 8.03 states that:

**If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions.**

Agilent Ref: 10040012-1  
United States Application Serial No. 10/817,115

In the present case, elements of the claims of Group I are found in the remaining claims of Groups II-VI. As such, it is believed that the search for the claims of Group I will find any relevant prior art relating to the claims of Groups II-VI.

Accordingly, little, if any, additional searching should be required for the claims of Groups II-VI, and therefore the examination of the claims of Groups II - VI together with the claims of elected Group I should impose little, if any, additional burden on the Examiner.

As such, examining the claims of Groups II-VI and the claims of elected Group I together in the present application clearly does not impose an undue or serious burden on the Examiner. In the absence of such an undue or serious burden, the Examiner is clearly instructed by the MPEP to examine the entire application. Therefore, the Examiner is respectfully requested to rejoin the claims of Groups II-VI with the claims of elected Group I and to examine all the claims together in the present application.

The Commissioner is hereby authorized to charge any underpayment of fees associated with this communication, including any necessary fees for extensions of time, or credit any overpayment to Deposit Account No. 50-1078.

Respectfully submitted,  
BOZICEVIC, FIELD & FRANCIS LLP

Date: September 19, 2006

By: 

Bret E. Field  
Registration No. 37,620

Agilent Technologies, Inc.  
Legal Department, DL429  
IP Administration  
P.O. Box 7599  
Loveland, CO 80537-0599

F:\DOCUMENT\AGIL\188 (10040012-1) CIP of 111\10040012-1 response to restriction requirement.doc